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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,788	05/18/2001	Mark Ahmadjian	AFB00500	8998

7590 01/21/2003

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EXAMINER

KIM, AHSHIK

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 01/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/862,788	AHMADJIAN ET AL.
	Examiner Ahshik Kim	Art Unit 2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10/25/02 (Amendment).
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 May 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____                                     |

**DETAILED ACTION**

*Amendment*

1. Receipt is acknowledged of the amendment filed on October 25, 2002. Claims 1-  
5 15 remain for examination.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

- 10 (a) A patent may not be obtained though the invention is not identically disclosed  
or described as set forth in section 102 of this title, if the differences between the  
subject matter sought to be patented and the prior art are such that the subject  
matter as a whole would have been obvious at the time the invention was made to  
a person having ordinary skill in the art to which said subject matter pertains.  
15 Patentability shall not be negated by the manner in which the invention was  
made.

This application currently names joint inventors. In considering patentability of  
the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the  
20 various claims was commonly owned at the time any inventions covered therein were  
made absent any evidence to the contrary. Applicant is advised of the obligation under  
37 CFR 1.56 to point out the inventor and invention dates of each claim that was not  
commonly owned at the time a later invention was made in order for the examiner to  
consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)  
25 prior art under 35 U.S.C. 103(a).

2. Claims 1-9 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable  
over Hill, Jr. et al. (US 5,850,285) in view of Hasson (US 5,625,452).

Re claims 1, 3, 6, 7, 11, 14, and 15, Hill teaches a rocket/aircraft exhaust plume detecting system (See abstract) comprising an electro-optical components 10 and 16, a filter 18 and a spectrometer 20 which detects spectral reference of the emission (col. 5, lines 35+). As further disclosed in the abstract, a particular wavelength (i.e., 0.2 – 200 5 microns) can be detected and captured. Hill further teaches that the system detects UV and IR frequencies (col. 3, lines 21+)

Hill fails to specifically teach or fairly suggest the apparatus is mounted on above-flying or orbiting platform.

Hasson discloses a target acquisition system 10 utilizing target's electromagnetic 10 spectrum. As shown in figure 3, the system can be installed in an airplane 102 (col. 2, lines 5+; col. 5, lines 59+). Hasson further teaches that the system detects emission lines of sodium (Na) and Potassium (K) by atomic line filters as described in claims 6 and 10

In view of Hasson's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to install the plume detector on airborne carrier 15 to the teachings of Hill in order to efficiently collect the exhaust sample from the rocket/missile. Although Hill is silent as to where the system can be installed, it would have been obvious to one ordinary skill in the art to install such system where detecting and interrogating of the jet/rocket plume is efficient and most precise. Obviously, as shown by Hasson, installing such system airborne or satellite, the plume can be captured 20 before it dissipates or diluted/contaminated by other particles in the air, and thus an obvious expedient.

Re claim 2, detectable wavelength of emission plume includes CO<sub>2</sub>, CO, NO<sub>2</sub>, H<sub>2</sub>O, and other atomic or ionic species (col. 5, lines 6+; col. 5, lines 22+).

Re claim 4, a use of a narrow band filter (col. 2, lines 54+) and a radiometric component (col. 4, lines 21) is also disclosed.

Re claims 5 and 13, Hill also discloses that the device is able to distinguish rocket/missile plume from a non-threatening or natural objects such as flair or cloud (col. 5, lines 1, lines 45+).

Re claims 8 and 9, Although Hill does not use the term photometer, a detector/photomultiplier 22 measures the luminescence of an exhaust plume as shown in figure 2 (col. 3, lines 45-47)

10 3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hill, Jr. et al. (US 5,850,285) as modified by Hasson (US 5,625,452) as applied to claim 1 above, and further in view of Houlberg (US 6,072,571). The teachings of Hill as modified by Hasson have been discussed above.

15 Hill/Hasson fails to specifically teach or fairly suggest of utilizing GPS system to find the coordinate of the rocket/missile.

Houlberg teaches a system for tracking a target, which tracks a flight path of an object such as a missile and satellite (See abstract; col. 3, line 55 – col. 4, line 6) comprising the global positioning system 28 (col. 4, lines 46+).

20 In view of Houlberg's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate an old and well-known GPS system to the teachings of Hasson/Houlberg in order to find the coordinates of the missile/rocket. GPS system is old and well known to one of ordinary skill in the art to track satellites, aircrafts and other objects, which warrants tracking. Accordingly,

detecting and tracking airborne objects such as missiles and rockets are crucially important in testing or real environment. By accommodating GPS system to Hasson/Houlberg, a flying object can be identified, and the current location and the flight path of the object can be anticipated, and thus an obvious expedient.

5

***Response to Arguments***

4. Applicant's arguments filed on October 25, 2002 have been fully considered, but they are not persuasive.

Applicant amended independent claim 1, such that the claimed invention now 10 detects rocket plume in passive mode (see amended claim 1 and remarks section). In doing so, the Applicant traverses the rejection, and suggest that the amended claim is patentably distinct from the cited reference to Hill, Jr. et al. (US 5,850,285).

In response, the Examiner respectfully directs the Applicant to Hill, Jr. et al. (col. 3, lines 5-16; col. 5, line 45 – col. 6, line 4; col. 6, lines 32+) where embodiment of both 15 passive and active detection system are disclosed.

The amended claims and remarks describing these elements have been carefully reviewed, but they are not persuasive, and therefore, the Examiner has made this Office Action final.

20

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the 5 shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10 Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (703)305-5203 . The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

15 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax number directly to the Examiner is (703) 746-4782. The fax phone number for this Group is (703)308-7722, (703)308-7724, or (703)308-7382.

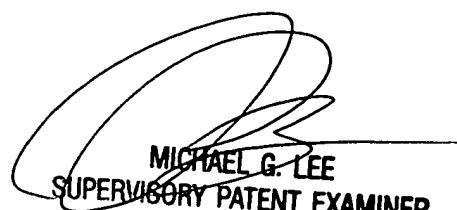
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

20 *All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

25 Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

30 

Ahshik Kim  
Patent Examiner  
Art Unit 2876  
January 16, 2003

35   
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